

COMPANY/MINE North American Equities Blazon NOV/CO # 85-8-3-1
PERMIT # INA/007/021 VIOLATION # 1 of 1

HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR STATEMENT

A. HINDRANCE TO ENFORCEMENT (Answer for hindrance violations only such as violations concerning recordkeeping, monitoring, plans and certification).

1. Describe how violation of this regulation actually OR potentially ✓ (check one) hindered enforcement by DOGM and/or the public and explain the circumstances.

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B. DEGREE OF FAULT (Only one question applies to each violation. Check one and discuss.)

() No Negligence:

If you think this violation was not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

(✓) Ordinary Negligence:

If you think this violation was the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

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() Recklessness:

If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what if anything, the operator did to correct it prior to being cited.

Blazon has not sent to the Division water monitoring data as required since the 3rd quarter of 1984.

This lack of monitoring data prevents the Division from analyzing the impacts that the Blazon site has on the local hydrology. Even if no flow is occurring the Division cannot judge how mine may have impacted the site over a period of time because tracking of the hydrology is incomplete. The Division cannot tell if during the time without samples any changes in water quality occurred.

The stream in question, provides fishery habitat and flows directly to Scofield Reservoir, hence it is important that monitoring be up to date so that adverse impacts may be prevented.

- B The operator is aware of the monitoring as the Division approved it in writing. According to Inspector Pruitt lack of sampling has been a problem in the past.

It was reported to me by the individual who did sampling that an attempt was made in December 84 to sample but access was not possible.

This may be so but the operator is required to report even if no samples are collected.

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() Knowing and Willful Conduct

Was the operator in violation of a specific permit condition? Did the operator receive prior warning of noncompliance by State or Federal inspectors concerning this violation? Has DOQM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

None

2. Explain whether or not the operator had the necessary resources onsite to achieve compliance.

Collection of water samples required and testing by a lab
testing could not occur onsite

3. Was the submission of plans prior to physical activity required by this NOV? Yes _____ No ☒ If Yes, explain.

3/19/85
DATE

Thomas W. Wright
AUTHORIZED REPRESENTATIVE